

Verdera_Bartolome_Sup_Ind

LEONARDO M. RAPADAS
United States Attorney
MARIVIC P. DAVID
Assistant U.S. Attorney
Sirena Plaza Suite 500
108 Hernan Cortez Avenue
Hagatna, Guam 96910
Telephone: (671) 472-7332
Telecopier: (671) 472-7334

FILED
DISTRICT COURT OF GUAM

MAY 01 2008

JEANNE G. QUINATA
Clerk of Court

Attorneys for the United States of America

**IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERNESTO PAGLICAWAN VERDERA
and MARK ANTHONY BARTOLOME,

Defendants.

CRIMINAL CASE NO. 08-00018

SUPERSEDING INDICTMENT

**CONSPIRACY TO SMUGGLE
BULK CASH OUT OF THE
UNITED STATES**

[18 U.S.C. § 371] (Count 1)

**BULK CASH SMUGGLING
OUT OF THE UNITED STATES**
[31 U.S.C. §§ 5332 and 5322] (Count 2)

FORFEITURE ALLEGATION
[31 U.S.C. § 5332(b)(2)]
(Count 3)

**IMPORTATION OF
METHAMPHETAMINE
HYDROCHLORIDE**
[21 U.S.C. §§ 952(a) & 960
and 18 U.S.C. § 2] (Count 4)

THE GRAND JURY CHARGES:

**COUNT I - CONSPIRACY TO SMUGGLE BULK CASH
OUT OF THE UNITED STATES**

Introduction

At all times material to the superseding indictment:

1. Defendant ERNESTO PAGLICAWAN VERDERA was a citizen of the Federal
Republic of Germany.

ORIGINAL

2. Defendant MARK ANTHONY BARTOLOME was a citizen of the United States of America.

3. Federal law and regulations, 31 C.F.R. § 103.23 and 31 U.S.C. §§ 5316 and 5332 provided that:

each person who physically transports, mails, or ships, or causes to be physically transported, mailed, or shipped, or attempts to physically transport, mail or ship, or attempts to cause to be physically transported, mailed or shipped, currency or other monetary instruments in an aggregate amount exceeding \$10,000 at one time from the United States to any place outside the United States . . . shall make a report thereof. A person is deemed to have caused such transportation, mailing or shipping when he aids, abets, counsels, commands, procures, or requests it to be done by a financial institution or any other person.

The Conspiracy

4. Beginning on or about October 2007, and continuing to on or about February 28, 2008, in the District of Guam and elsewhere, the defendants herein, ERNESTO PAGLICAWAN VERDERA and MARK ANTHONY BARTOLOME, did knowingly and willfully, combine, conspire, confederate, and agree with each other and with others known and unknown to the Grand Jury to knowingly conceal more than \$10,000 in currency or other monetary instruments in an article of luggage and other container, and to transport and transfer and attempt to transport and transfer such currency or other monetary instruments from a place within the United States to a place outside of the United States, with the intent to evade a currency reporting requirement under Title 31, United States Code, Section 5316, in violation of Title 31, United States Code, Section 5332.

Object of the Conspiracy

5. It was an object of the conspiracy that defendants, ERNESTO PAGLICAWAN VERDERA and MARK ANTHONY BARTOLOME, with the assistance of others, would transfer bulk quantities of cash from Guam to the Philippines, for the purpose of concealing the true ownership of the funds and evading the United States' cash reporting requirements.

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Overt Acts

In furtherance of the conspiracy, at least one of the conspirators committed or caused to be committed at least one of the following overt acts in the District of Guam and elsewhere:

6. On or about October 28, 2007, December 15, 2007, and January 8, 2008, defendant ERNESTO PAGLICAWAN VERDERA traveled to Guam from Manila, Philippines.

7. On or about December 15, 2007, and January 7, 2008, defendant MARK ANTHONY BARTOLOME traveled to Guam from Manila, Philippines.

8. On or about January 29, 2008, defendant ERNESTO PAGLICAWAN VERDERA traveled to Guam from Manila in order to receive a delivery of bulk quantities of cash.

9. On or about January 28, 2008, defendant MARK ANTHONY BARTOLOME traveled to Guam from Manila in order to assist in transporting bulk quantities of cash from Guam to Manila.

10. Sometime between January 29, 2008 to February 28, 2008, ERNESTO PAGLICAWAN VERDERA and MARK ANTHONY BARTOLOME received \$810,631 in United States currency while at or near Days Inn, 155 Ypao Road, Tamuning, Guam.

11. On or about February 28, 2008, ERNESTO PAGLICAWAN VERDERA and MARK ANTHONY BARTOLOME concealed \$810,631 in United States currency in articles of luggage and other containers, and thereafter attempted to board Philippine Airlines Flight No. 111, an international airplane flight destined for Manila, and originating at A.B. Won Pat Guam International Airport.

All in violation of Title 18, United States Code, Section 371.

COUNT II - BULK CASH SMUGGLING OUT OF THE UNITED STATES

On or about February 28, 2008, in the District of Guam, the defendants herein, ERNESTO PAGLICAWAN VERDERA and MARK ANTHONY BARTOLOME, did unlawfully, willfully and knowingly, with the intent to evade a currency reporting requirement under Title 31, United States Code, Section 5316, conceal more than \$10,000 in currency or

1 other monetary instruments in an article of luggage and other container, and did attempt to
2 transport said currency from a place within the United States, to a place outside the United
3 States, to-wit: \$810,631 in United States currency from Guam to the Philippines, the said
4 defendants knowing that they were required to file a report with the Secretary of the Treasury of
5 the amount of money they were attempting to transport, in violation of Title 18, United States
6 Code, Section 2 and Title 31, United States Code, Sections 5332 and 5322

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8 **COUNT III - FORFEITURE ALLEGATION**

9 The allegations of Count I and Count II are hereby realleged and incorporated by
10 reference herein for the purpose of alleging criminal forfeiture pursuant to Title 31, United States
11 Code, Section 5332(b)(2), and Title 21, United States Code, Section 853.

12 From their engagement in the violations alleged in Count I or Count II of this Indictment,
13 punishable by imprisonment for more than one year, the defendants herein, ERNESTO
14 PAGLICAWAN VERDERA and MARK ANTHONY BARTOLOME, shall forfeit to the United
15 States, pursuant to Title 31, United States Code, Section 5332(b)(2) and Title 21, United States
16 Code, Section 853, the personal property involved in the commission of said violation, to-wit:
17 approximately \$810,631 in United States currency, recovered on or about February 28, 2008,
18 from the defendant, all in violation of Title 31, United States Code, Section 5332(b)(2).

19 **COUNT IV - IMPORTATION OF METHAMPHETAMINE HYDROCHLORIDE**

20 Between January 27, 2008, and February 28, 2008, in the District of Guam and
21 elsewhere, the defendant, MARK ANTHONY BARTOLOME, did unlawfully, intentionally and
22 knowingly import into the United States from a place outside thereof at least one (1) gram but
23 less than two (2) grams of methamphetamine hydrochloride, also known as "ice," a schedule II

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1 controlled substance, in violation of Title 21, United States Code, Sections 952(a) and 960(b)(3),
2 and Title 18, United States Code, Section 2.

3 Dated this 1st day of May, 2008.

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9 LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and NMI

11 By: 

12 MARIVIC P. DAVID
13 Assistant U.S. Attorney

14 Reviewed:

15 By: 

16 JEFFREY J. STRAND
First Assistant U.S. Attorney